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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,715	02/25/2002	John Zimmerman	US020013	6622

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EXAMINER	
PENG, FRED H	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/084,715	ZIMMERMAN, JOHN	
	Examiner	Art Unit	
	Fred Peng	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/22/2007 has been entered.

DETAILED ACTION

Response to Amendment

2. The declaration filed on 01/29/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Bates (US 2003/0145321 A1) reference for the following reasons:

- The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Bates reference to either a constructive reduction to practice or an actual reduction to practice. The applicant did not provide any evidence of diligence as required by 715.07(a). Under certain conditions a 2-day period lacking activity has been held to be fatal [In re Mulder, 716 F.2d 1542, 1545, 219 USPQ 189, 193 (Fed. Cir. 1983)]. See MPEP § 2138.06 for a detailed discussion of the diligence requirement for providing prior invention as follows.

  The diligence of attorney in preparing and filing patent application inures to the benefit of the inventor. Conception was established at least as early as the date a draft of a patent application was finished by a patent attorney on behalf of the inventor. Conception is less a matter of signature than it is one of disclosure. Attorney does not prepare a patent application on behalf of particular named persons, but on behalf of the true inventive entity. **Six days** to execute and file application is **acceptable**. Haskell v. Coleburne, 671 F.2d 1362, 213 USPQ 192, 195 (CCPA 1982). See also Bey v. Kollonitsch, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) (Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the

application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient. Work on a related case(s) that contributed substantially to the ultimate preparation of an application can be credited as diligence).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al (US 2003/0145321 A1).

Regarding Claim 1, Bates teaches an audio-video program recommendation system for listing program material in accordance with a user's preferences (fig. 1-4), the system comprising:

a microprocessor 24 (fig. 2) for recognizing (receiving) and processing identifying (indication) signals for program items (shows or movies, etc) (par. 29, 37);

an electronic storage device 26 (fig. 2) coupled to the microprocessor for storing look-up lists (fig.s 3, 4) of program items (par. 41) and signals associated therewith (reads on the additional data stored with the program items, e.g., account, rating, time information, etc.; par. 31, 36, 37, 41, 50);

a recommendation (personalized EPG) algorithm incorporated into the microprocessor for choosing (par. 26, 27, 29, 30) and listing recommended program items (positively rated and/or

new movies) based upon the nature (good/poor rating; par. 42, 29, 30) and frequency of previous program item selections (par. 42, 26, 27; in which inclusion of programs into the EPG is based on passed selections/viewings of the program) that are recorded in the look-up lists (fig. 3, 4) in the electronic memory device (par. 31, 45, 37); and

a user-operable input signal device (reads on the controls of the STB 14 - par. 36) coupled to the microprocessor (fig. 2), enabling a user to selectively identify selected ones of the recommended program items as having been previously viewed (par. 30; in which a program that is "new"/unwatched and above the user's rating value is filtered though, i.e., recommended by, the EPG through the display and after the recommended program is watched the user selects the program to rate it), such that the microprocessor then adds the selected ones of the program items to the look-up lists 52 (fig. 4) (par. 30, 41, 36, 37; in which the user's rating of the program is added to the show rating list) in the memory device 26 - fig. 2).

Regarding Claim 5, Bates teaches an audio-video program recommendation system for listing program material in accordance with a user's preferences (fig. 1-4), the system comprising:

a computer apparatus (14 - fig. 2) capable of recognizing (receiving), processing and storing look-up lists (fig. 3, 4) of identifying (indication) signals for program items (par. 31, 36, 37, 39, 41, 50);

a recommendation (personalized EPG) algorithm incorporated into the computer apparatus for choosing (par. 26, 27, 29, 30) and listing recommended program items (positively rated and/or new movies) based upon the nature (good/poor rating; par. 42, 29, 30) and frequency of previous program item selections (par. 42, 26, 27; in which inclusion of programs into the EPG is based on passed selections/viewings of the program) that are recorded in the look-up lists (fig. 3, 4) in the electronic memory device (par. 31,45, 37); and

the computer apparatus further comprises a keyboard having at least one key capable (Bates inherently has a keyboard, e.g., a remote controller or front panel with at least one key/button, for activating commands on the user input devices; par. 42, lines 10-20; 30, 32) of

identifying selected ones of the recommended program items as having been previously viewed (par. 30; in which a program that is "new"/unwatched and above the user's rating value is filtered though, i.e:, recommended by, the EPG through the display and after the recommended program is watched the user selects the program to rate it), such that the computer apparatus then adds the selected ones of the program items to the look-up lists 52 (fig. 4) (par. 30, 41, 36, 37; in which the user's rating of the program is added to the show rating list) in the memory device 26 - fig. 2).

Regarding Claim 7, Bates teaches the method comprising the steps of:

accessing a first electronic list representing programs available for viewing at a given time (par. 28, 30; step 74 - fig. 5A; in which the system has to access an EPG list of programs currently available, through broadcasters or listing services as conventionally done, to provide the EPG schedule of available programs to the user);

accessing a second electronic list 42/52 (fig. 3/4) representing a compilation of programs previously selected for viewing by an identified user (par. 51, 52, 31, 32; in which the user is identified) of the system (par. 28, 41,42; steps 86, 87, 88 - fig. 5A & 5B);

comparing the first electronic list with the second electronic list (steps 86, 87, 88 - fig. 5A & 5B), to obtain a list of recommended program items based upon the nature of the previously selected programs identified in the second electronic list (par. 28, 30, 45; in which currently available programs are compared to the user's view history for recommending programs equal or-above the user's rating);

displaying the list of recommended program items on a video display device for inspection by the user (step 78 fig. 5A; par. 43, 28, 30);

selectively identifying and characterizing by a corresponding electronic signal ("rate the show" signal/event), a program item on the list of recommended program items that was previously viewed by the user (step 68, 69 - fig. 5A; par. 29, 30, 42; in which the user identifies a show in the list and actuates the input device to rate the show after it has been watched);

appending to said second electronic list, program items included in the list of recommended program items that are currently selectively identified and characterized by the identified user (par. 28, 29, 30; step 67 - fig. 5A); and,

displaying the first electronic list on a video display device, while excluding from the display all programs on the second list (par. 27, 30, 42; in which previously viewed shows are removed from the EPG's displayed list).

Regarding claim 8, Bates teaches checking for the receipt of a signal indicating the user's desire to view (e.g. a channel change event/signal) a program and presenting such identified program item for viewing (steps 68, 70; par. 30, 42-45; in which the user actuates a channel/program switch function and the system displays the next program/channel in accordance with the system settings).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (US 2003/0145321 A1) in view of Percy et al (US 4,646,145).

Regarding Claims 2 and 6, Bates teaches a plurality of push buttons (par. 42, lines 10-13; par. 38) but fails to teach dedicated.

In an analogous art Percy teaches it is desirable to use a dedicated push-button 17 (fig. 2) in order to enable viewer selective actuation of input devices (col. 14, lines 6-10) and identify viewer reactions to a program in essentially real time (col. 13, line 5-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Bates to include dedicated push buttons as taught by Percy for the added advantage of increased convenience and simplicity for the user and enabling the user to more quickly/correctly input program rating selections.

Regarding Claim 3 Bates teaches the user operable input device serving to selectively identify the selected ones of the recommended program items as having been previously viewed (par. 28, 29), and serving to identify a selected one of the recommended program items for current viewing (par. 30). Bates further teaches a plurality of push buttons (par. 42, lines 10-13; par. 38), however fails to teach dedicated push buttons. In an analogous art Percy teaches it is desirable to use dedicated push-buttons 17 (fig. 2) in order to enable viewer selective actuation of input devices (col. 14, lines 6-10) and identify viewer reactions to a program in essentially real time (col. 13, line 5-29). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Bates to include dedicated push buttons as taught by Percy for the added advantage of increased convenience and simplicity for the user and enabling the user to more quickly/correctly input program rating selections.

Regarding Claim 4, Bates in view of Percy teach the recommendation algorithm further serves to recognize program items that are identified as unacceptable (unacceptable, i.e., below user rating values, i.e., rated poorly, previously watched or watched above the maximum time limit, for channel surfing or EPG display) (Para 26-31);
the microprocessor is programmed to create a look-up list of unacceptable programs for storage

in the memory device (fig. 4; shows poor/unacceptably rated "Gilligans" show; par. 45); and, at least another one of the plurality of dedicated push buttons (17 - Percy fig. 2) serves to identify unacceptable programs (Percy - col. 13, lines 5-16; Bates - par. 30) for storage in the memory device (PVR, TIVO, VCR, hard disk memory, etc) (par. 35-37, 30; in which the user can not record a program that it or it's channel is blocked out by the system).

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (US 2002/0145321 A1) in view of Reynolds et al. (EP 0774866 A2).

Regarding Claim 9, Bates teaches displaying of the recommended items as discussed in claim 1 above, however fails to specifically disclose a screen menu and indicating the actions to be taken by a user employing the method.

In an analogous art, Reynolds teaches a screen menu (fig. 6 a-c), and indicating the actions (request suggestion, tune to a program, delete an item, etc) to be taken by a user employing the method for editing and customizing EPG displays (col. 5, lines 46-co1.6, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Bates to include a screen menu and indicating the actions to be taken by a user employing the method as taught by Reynolds for the added advantages of an increased convenience to the user, and a more informative and easy to use interface with guidance.

Regarding Claim 10, Bates in view of Reynolds teach displaying together with the screen menu, an illustrative caption identifying the method of recommending program listings (Bates - par. 30, 32; in which Bates teaches the user turning on/off skip view processing; and Reynolds- fig. 6a; col. 5, lines 45-50; in which Reynolds teaches it would have been obvious to modify Bates to include displaying illustrative caption/soft keys on the menu which identify methods of display, e.g., recommended/suggested programs, new programs only, etc.).

8. **In view of the Declaration under 37.CFR 1.131 filed by applicant, the examiner is providing an alternative rejection below.**

9. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Shintani et al (US 2004/0019906 A1).

Regarding Claim 1, Finseth discloses an audio-video program recommendation system (FIG.3) for listing program material in accordance with a user's preferences (Para 9), said system comprising:

a microprocessor (FIG.3, -74) for recognizing and processing identifying signals for program items (Para 73 lines 8-9);

an electronic storage device (FIG.3, -78) coupled to said microprocessor for storing look-up lists of program items (Para 71 lines 1-3) and signals associated therewith (Para 55 lines 9-12, Para 56 lines 14-15);

a recommendation algorithm incorporated into said microprocessor for choosing and listing recommended program items (FIG.6, Para 77 lines 1-5) based upon the nature (Para 72) and frequency (Para 73 lines 8-11) of previous program item selections that are recorded in said look-up lists in said electronic memory device (Para 71 lines 1-3).

Finseth fails to disclose a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items as having been previously viewed, such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device.

In an analogous art, Shintani discloses a user-operable input signal device coupled to said microprocessor (FIG.1, -128, -124), enabling a user to selectively identify selected ones of program items (FIG.3, -303, Para 35) as having been previously viewed (FIG.3, -318, Para 38 lines 6-8, entered into history log indicates the program having been previously viewed) such that

said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device (FIG.3, -320, Para 39).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Finseth to include a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of the program items as having been previously viewed, such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device, as taught by Shintani so that more accurate user's viewing history record can be maintained.

Regarding Claim 5, Finseth discloses an audio-video program recommendation system for listing program material in accordance with a user's preferences, said system comprising:

a computer apparatus (FIG.3, -34) capable of recognizing, processing and storing look-up lists of identifying signals for program items (Para 55; Para 59; Para 70);

a recommendation algorithm incorporated into said computer apparatus for choosing and listing recommended program items (FIG.6, Para 77 lines 1-5) based upon the nature (Para 72) and frequency (Para 73 lines 8-11) of previous program item selections that are recorded in said look-up lists (Para 71 lines 1-3). Finseth further discloses said computer apparatus comprises a keyboard having at least one key capable of identifying selected ones of said recommended program items (Para 64 lines 4-6).

Finseth fails to disclose identifying selected ones of said recommended program items as having been previously viewed, such that said computer apparatus then adds said selected ones of said program items to said look-up lists.

In an analogous art, Shintani discloses selectively identify selected ones of program items (FIG.3, -303, Para 35) as having been previously viewed (FIG.3, -318, Para 38 lines 6-8, entered into history log indicates the program having been previously viewed) such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device (FIG.3, -320, Para 39).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Finseth to include selectively identify selected ones of the program items as having been previously viewed, such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device, as taught by Shintani so that more accurate user's viewing history record can be maintained.

10. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Shintani et al (US 2004/0019906 A1) and Dudkiewicz (US 2002/0152474 A1).

Regarding Claim 7, Finseth discloses a method of recommending program listings in accordance with a user's selection preferences, said method comprising the steps of:

accessing a first electronic list representing programs available for viewing at a given time (FIG.4, -88A, a regular program guide for viewing at a given time, Para 64);

accessing a second electronic list representing a compilation of programs previously selected for viewing by an identified user of the system (Para 70, user viewing history record is the second electronic list);

comparing said first electronic list with said second electronic list, to obtain a list of recommended program items based upon the nature of the previously selected programs identified in said second electronic list (Para 77 lines 1-7);

displaying said list of recommended program items on a video display device for inspection by said user (FIG.6, -88B, Para 77 lines 3-5);

selectively identifying and characterizing by a corresponding electronic signal, a program item on said list of recommended program items (FIG.6, user can use the remote control to select the program, Para 77 lines 7-20).

Finseth fails to disclose identifying and characterizing by a corresponding electronic signal, a program item on said list of recommended program items that was previously viewed by said user; appending to said second electronic list, program items included in said list of

recommended program items that are currently selectively identified and characterized by said identified user; and displaying said first electronic list on a video display device, while excluding from said display all programs on said second list.

In an analogous art, Shintani discloses selectively identify selected ones of program items (FIG.3, -303, Para 35) as having been previously viewed (FIG.3, -318, Para 38 lines 6-8, entered into history log indicates the program having been previously viewed) such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device (FIG.3, -320, Para 39).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Finseth to include selectively identify selected ones of the program items as having been previously viewed, such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device, as taught by Shintani so that more accurate user's viewing history record can be maintained.

However, both Finseth and Shintani fail to disclose displaying only the recommended program items that have not been watched.

In an analogous art, Dudkiewicz discloses displaying only the recommended program items that have not been watched (Para 79 lines 27-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined method of Finseth and Shintani to include displaying only the recommended program items that have not been watched, as taught by Dudkiewicz for the added advantage of more efficient and faster EPG by consuming less memory and processing power with less program information to process.

Regarding Claim 8, Finseth further discloses checking for the receipt of a signal indicating the user's desire to view a program and presenting such identified program item for viewing (FIG.4, Para 64).

Regarding Claim 9, Finseth further discloses displaying a screen menu (FIG.6, -106), together with said displaying of recommended program items (FIG.6, -88B), indicating the actions (FIG.6, -108D, -108E, -108A) to be taken by a user employing said method (Para 77 lines 3-22).

Regarding Claim 10, Finseth further discloses displaying together with said screen menu, an illustrative caption identifying said method of recommending program listings (FIG.6, -106, when FIND button is selected, a list of recommendation methods of program listings is displayed).

11. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) and Shintani et al (US 2004/0019906 A1) as applied to Claim 1 above, and further in view of Percy et al (US 4,646,145).

Regarding Claims 2 and 6, Finseth and Shintani disclose limitations in Claims 1 and 5, however, they fail to disclose user operable input device is a dedicated push-button.

In an analogous art, Percy discloses it is desirable to use a dedicated push-button 17 (FIG.2) in order to enable viewer selective actuation of input devices (Col 14 lines 6-10) and identify viewer reactions to a program in essentially real time (Col 13 line 5-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined system of Finseth and Shintani to include dedicated push buttons as taught by Percy for the added advantage of increased convenience and simplicity for the user and enabling the user to more quickly/correctly input program rating selections.

Regarding Claim 3, Finseth discloses user operable input device comprises a plurality of dedicated push buttons, at least one of said push buttons serving to identify a selected one of said recommended program items for current viewing (Para 64, Para 66).

Finseth and Shintani fail to disclose dedicated push buttons.

In an analogous art, Percy discloses it is desirable to use a dedicated push-button 17 (FIG.2) in order to enable viewer selective actuation of input devices (Col 14 lines 6-10) and identify viewer reactions to a program in essentially real time (Col 13 line 5-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined system of Finseth and Shintani to include dedicated push buttons as taught by Percy for the added advantage of increased convenience and simplicity for the user and enabling the user to more quickly/correctly input program rating selections.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1), Shintani et al (US 2004/0019906 A1) as applied to Claims 1 and 3 above, and further in view of Yamamoto (US 2007/0006266 A1) and Percy et al (US 4,646,145).

Regarding Claim 4, Finseth and Shintani disclose limitations in Claims 1 and 3. Both fail to disclose recommendation algorithm further serves to recognize program items that are identified as unacceptable; said microprocessor is programmed to create a look-up list of unacceptable programs for storage in said memory device.

In an analogous art, Yamamoto discloses recommendation algorithm further serves to recognize program items that are identified as unacceptable; said microprocessor is programmed to create a look-up list of unacceptable programs for storage in said memory device (Para 120, the contents of further less importance are identified as unacceptable and is programmed in the program list as past programs).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined system of Finseth and Shintani to include recommendation algorithm further serves to recognize program items that are identified as unacceptable; said microprocessor is programmed to create a look-up list of unacceptable programs for storage in said memory device, as taught by Yamamoto as an alternative reference for the service providers to avoid wrong recommendation programs based on this information.

However, Finseth, Shintani and Yamamoto fail to disclose a dedicated push buttons.

In an analogous art, Percy discloses it is desirable to use a dedicated push-button 17 (FIG.2) in order to enable viewer selective actuation of input devices (Col 14 lines 6-10) and identify viewer reactions to a program in essentially real time (Col 13 line 5-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined system of Finseth, Shintani and Yamamoto to include dedicated push buttons as taught by Percy for the added advantage of increased convenience and simplicity for the user and enabling the user to more quickly/correctly input program rating selections.

Conclusion

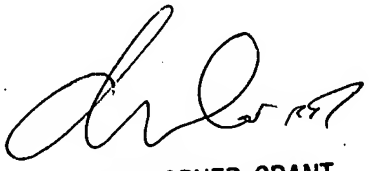
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Chris Grant
Supervisory Patent Examiner



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